

Department of Commerce

Division of Labor

Mission

The mission of the Division of Labor, as created in 1889, is to protect lives and health and to promote the prosperity of workers in West Virginia. This mission is accomplished through enforcing legislation in both the workplace and marketplace.

Operations

Administration

- Manage the division; supply policy decisions, fiscal control, personnel training and public information; strive to improve labor-management relations; and prepare the occupational injury and illness report required by federal law.

Amusement Rides

- Protect the public by enforcement of amusement ride safety law.

Boiler

- Ensure the safety of high pressure boilers.

Crane Operator Certification

- Testing and licensure of crane operators and enforcement of safety standards and practices.

Contractor Licensing

- Enforce the contractor licensing law on behalf of the Contractor Licensing Board.

Elevator Safety

- Ensure the safety of elevators and other lifting devices used by the general public by enforcing the Elevator Safety Act.

Manufactured Housing

- Protect consumers by enforcement of manufactured housing standards per state law and federal Housing and Urban Development (HUD) standards on behalf of the manufactured Housing Construction and Safety Standards Board.

Safety

- Protect workers in the state from safety hazards as per state law and federal Occupational Safety and Health Administration (OSHA) standards.

Wage and Hour

- Protect workers in the state from wage and hour law violations, and collect and pay out wage bonds.

Weights and Measures

- Protect commercial operation and consumers by administering and enforcing W.Va. Code §47, regulating trade and commerce in the state, and protecting consumers.

Recommended Improvements

- ✓ Includes \$94,738 for vehicle replacement.

Division of Labor
Expenditures

	TOTAL FTE POSITIONS 11/30/2005	ACTUALS FY 2005	BUDGETED FY 2006	REQUESTED FY 2007	GOVERNOR'S RECOMMENDATION
EXPENDITURE BY PROGRAM					
Administration	15.00	\$901,003	\$888,634	\$883,380	
Boiler Safety	2.00	94,855	110,500	116,325	
Contractor Licensing	23.60	1,110,781	1,522,067	1,345,503	
Crane Operator Certification	1.60	72,043	85,012	85,471	
Elevator/Amusement Ride Safety	4.00	169,876	261,806	266,306	
Manufactured Housing	7.00	371,828	378,309	394,128	
OSHA Consultation Program	8.00	541,277	629,055	575,187	
Wage & Hour	14.80	602,193	679,611	702,809	
Weights & Measures	30.60	1,518,459	1,665,320	1,640,621	
Less: Reappropriated		0	0	0	
TOTAL BY PROGRAM	106.60	5,382,315	6,220,314	6,009,730	6,283,745
EXPENDITURE BY FUND					
General Fund					
FTE Positions		54.44	57.43	57.43	57.43
Total Personal Services		1,502,204	1,680,532	1,651,801	1,697,188
Employee Benefits		599,790	693,735	727,959	727,959
Other Expenses		731,073	650,008	614,257	708,995
Less: Reappropriated		0	0	0	0
Subtotal: General Fund		2,833,067	3,024,275	2,994,017	3,134,142
Federal Fund					
FTE Positions		7.36	8.36	8.36	8.36
Total Personal Services		268,710	275,770	252,898	275,770
Employee Benefits		89,869	104,749	97,709	104,749
Other Expenses		158,075	168,156	190,215	168,156
Subtotal: Federal Fund		516,654	548,675	540,822	548,675
Appropriated Special Fund					
FTE Positions		40.85	37.05	37.05	37.05
Total Personal Services		925,034	1,187,331	1,120,157	1,187,331
Employee Benefits		365,247	508,058	501,060	508,058
Other Expenses		512,673	614,429	563,190	615,055
Less: Reappropriated		0	0	0	0
Subtotal: Appropriated Special Fund		1,802,954	2,309,818	2,184,407	2,310,444
Nonappropriated Special Fund					
FTE Positions		3.76	3.76	3.76	3.76
Total Personal Services		132,164	136,337	133,141	133,141
Employee Benefits		46,595	50,458	51,133	51,133
Other Expenses		50,881	150,751	106,210	106,210
Subtotal: Nonappropriated Special Fund		229,640	337,546	290,484	290,484
TOTAL FTE POSITIONS BY FUND	106.41	106.60	106.60	106.60	106.60
TOTAL EXPENDITURES BY FUND		\$5,382,315	\$6,220,314	\$6,009,730	\$6,283,745

Division of Labor
Programs

Administration

Mission

Administration manages the division and develops and implements policy, fiscal control, personnel administration, public information, and necessary support services for the operating section. In addition, Administration also ensures that the division has the most current software and hardware to meet the demands of office automation needs in the modern workplace.

Goals/Objectives

- Continual improvement of the quality of supervision.
- Improvement of the quality and quantity of training.
- Improvement of the effectiveness of communications—both internally and with those regulated by the public and other government entities.
- Continuing efforts for more efficient expenditures to implement statutory mandates.
- Continuing efforts to review and update policies.

Performance Measures

- ✓ Provided effective and efficient services to the public with limited funds and resources.
- ✓ 100% completion of BRIM driver training course and establishment of a safety committee to implement initiatives to reduce losses and reduce costs.

Amusement Rides

Mission

To provide for the safety of all amusement rides and amusement attractions in the state.

Goals/Objectives

- Process registration of amusement rides/attractions to ensure safety inspections are conducted and required liability insurance is adequate and in force.
- Monitor events using amusement rides/attractions to ensure rides/attractions are properly registered; issue operating permit at first playdate of equipment during the calendar year.
- Investigate accidents and/or complaints of safety; issue cease and desist orders to rides/attractions failing to meet safety requirements.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Rides/attractions registered	N/A	N/A	N/A	N/A	760	760
Operating permits issued	N/A	N/A	N/A	N/A	750	750
Cease and desist orders issued on devices failing to meet registration/safety requirements	N/A	N/A	N/A	N/A	10	10

Boiler Safety

Mission

To ensure that all steam boilers carrying more than 15 pounds of pressure and operating in the state are inspected for safety and meet specifications.

Goals/Objectives

- Inspect uninsured boilers once a year to ensure they meet safety requirements as set forth by the National Board of Boiler and Pressure Vessel Inspectors and the American Society of Mechanical Engineers, and issue permits to operate to those that meet the requirements.
- Process inspection reports, submitted annually, from commissioned insurance inspectors for boilers that are insured, and issue permits to those that meet the requirements.
- Condemn boilers found to be unsafe to operate.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Boilers inspected for safety requirements	674	677	680	672	675	675
Boilers passing safety inspection	673	675	678	670	673	673
Boilers rejected for safety violations	1	2	2	2	2	2

Contractor Licensing

Mission

Enforce and administer the West Virginia Contractors Licensing Act.

Goals/Objectives

- Require annual licensing of all companies desiring to perform contracting work in the state.
- Ensure proper registration with the Tax Division, BrickStreet Mutual Insurance, Bureau of Employment Programs, and the posting of a proper wage bond.
- Maintain compliance inspection review program, incorporating routine field inspection and Charleston-based office administration.
- Coordinate with contractor licensing enforcement and wage and hour compliance with wage and hour acts.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Cease and desist orders issued	544	620	500	226	500	500
Licenses withheld for noncompliance with other agencies	1,150	1,150	1,500	884	1,500	1,000
Contractor license inspections	7,605	5,316	N/A	2,248	2,300	2,300

Crane Operator Certification

Mission

The mission of this program is to enforce the Crane Operator Certification Act through testing and licensure of mobile crane operators.

Goals/Objectives

- Enforce and administer statute requiring any person operating a mobile crane in West Virginia to be examined and certified for safe operation.
- Coordinate written and practical examination sessions at times and places convenient to the demand.
- Review and approve third party training programs designed to qualify operators for certification.
- Perform job-site inspections to ensure that crane operators are certified and performing properly.
- Promote general workplace safety in the use of mobile cranes.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2003</u>	<u>Actual 2004</u>	<u>Estimated 2005</u>	<u>Actual 2005</u>	<u>Estimated 2006</u>	<u>Estimated 2007</u>
Certifications issued	1,807	1,807	1,850	1,398	1,500	1,500
Job site inspections	205	205	500	79	200	200
Training program audits	2	2	2	2	0	1

Elevator Safety

Mission

The Elevator Safety section ensures safety of elevators and other lifting devices used by the general public by enforcing the Elevator Safety Act.

Goals/Objectives

- Ensure all nonexempt elevators are inspected once a year for safety requirements.
- Process inspection reports submitted by private inspectors and issue certificates of operation for devices meeting the minimum safety requirements.
- Seal out-of-service elevators failing to meet minimum safety requirements.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2003</u>	<u>Actual 2004</u>	<u>Estimated 2005</u>	<u>Actual 2005</u>	<u>Estimated 2006</u>	<u>Estimated 2007</u>
Inspection reports processed	N/A	N/A	N/A	N/A	3,853	3,870
Certificates of operation issued	N/A	N/A	N/A	N/A	3,833	3,850
Devices sealed out of service	N/A	N/A	N/A	N/A	20	20

Manufactured Housing

Mission

The Manufactured Housing section provides for the safety and protection of consumers purchasing manufactured homes by the enforcement of federal HUD code manufactured home construction and safety standards and the West Virginia manufactured housing safety standards.

Goals/Objectives

- Provide administrative recourse to all consumers of manufactured homes.
- Licensing and participation in the State Manufactured Housing Recovery Fund of all manufactured housing manufacturers, dealers, or contractors in this state.
- Site inspection of complaints filed by consumers.
- Assure licensee compliance with standards and regulations by inspection audits of consumers' homes.
- Conduct dealer lot audits to ensure product compliance with standards and regulations.
- Conduct licensee disciplinary hearings to ensure consumer effective recourse.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Letters of correction and violations issued	422	425	45	415	450	450
Licensee licenses revoked or suspended	1	29	6	3	6	3
Mobile homes fixed	61	56	45	19	45	25

OSHA Consultation Program

Mission

The OSHA Consultation Program section assists small, high-hazard employers to provide safe and healthful workplaces for their employees.

Goals/Objectives

- Provide safety and health consultations to employers at their request.
- Focus consultation efforts on small, high hazard employers.
- Conduct consultation within 30 days of request.
- Include employees in some phase of the process in 100% of the consultations.
- Verify correction of 100% of identified serious hazards within 14 days of the correction date.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Consultations to identify safety/health hazards*	309	287	210	204	174	210
Lag time following request (days)	22	20	20	33	20	20
Serious hazards corrected within 14 days	96%	96%	96%	92%	96%	96%

* FY 2006 estimates are lower due to one less position for this program.

Wage and Hour

Mission

To ensure that West Virginia workers are paid all wages and fringe benefits due them for hours worked and to ensure a level playing field among state businesses and contractors.

Goals/Objectives

- Ensure that all West Virginians are paid all wages and fringe benefits due them for hours worked.
- Ensure West Virginians are paid the current minimum wage and overtime pay when applicable.
- Ensure that construction workers are paid the current prevailing wage for work performed on state projects.
- Protect children under the age of 18 by assuring they are working in a nonhazardous environment and are working within hourly limits of the child labor laws.
- Ensure the posting of adequate wage bonds.
- Protect state nurses from being forced into working mandatory overtime.
- Ensure the employees of the state are eligible for legal employment.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Wages collected (in millions)	\$3.593	\$2.027	\$2.233	\$1.479	\$2.130	\$1.690
Employees affected	1,872	988	1,654	1,195	1,217	1,020
New wage bonds processed (in millions)	\$19	\$15	\$19	\$20	\$18	\$18

Weights and Measures

Mission

Weights and Measures provides a solid business infrastructure based on equitable transactions with consumers and assures to device owners and buyers of commodities accurate measurements and fuel quality through enforcement and administration of the Weights and Measure Act.

Uniformly applying weights and measures standards to commercial transactions is one of the most important supports to the economy. Our target groups are consumers who purchase commodities in the marketplace and the businesses who offer these commodities for sale. Consumers benefit from accurate measurements of the products they purchase and are protected from unfair or deceptive trade practices. For state businesses, the positive outcomes of the Weights and Measures programs are numerous; uniformity fosters good will, minimizes trade barriers to interstate commerce, and increases West Virginia's opportunities for international export trade.

Potential losses to buyers and sellers can be very costly. For example, an inaccuracy of slightly more than one tablespoon per five gallons at gasoline pumps equals a national error of \$125 million annually—almost the equivalent of the annual cost of all United States weights and measures programs combined.

Goals/Objectives

- Register, test, and inspect once a year every commercial weighing or measuring device and retail scanner in the state.
- Evaluate and prescribe the method of sale of commodities, and perform regular package testing for net content compliance.



Division of Labor Programs

- Register, train, and oversee the activities of all weights and measures service persons and agencies.
- Enforce and administer the fuel quality law, ensuring that all motor fuels offered for sale in the state meet or exceed national standards.
- Register all companies who fall under the purview of the Bedding and Upholstery Act.
- Register and inspect all companies who wish to terminate business activities at a business location under the Going Out of Business Law.
- Operate and maintain the Weights and Measures (W&M) Laboratory, calibrating, testing, and supplying traceability to national standards used in the inspection of commercial weighing or measuring devices.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Inspections for accuracy of commercial measuring devices	26,663	27,994	24,000	23,848	26,000	27,000
Fuel samples tested for quality	549	624	700	526	725	750
Standards calibrations performed at W&M Laboratory	7,122	7,869	7,900	7,984	8,000	8,100